

# Final Legislation for 2001 Indiana General Assembly

June 21, 2001

**HEA1001**      *State Budget*  
**ATOD/TS**      **B Bauer, W Cochran**  
                 **S: R Meeks, V Simpson**  
                 **Effective Date:**

Appropriates state money for the biennium beginning July 1, 2001 and ending June 30, 2002. In addition to budget items related to ATOD, TS, and Gambling, this legislation includes several provisions of interest to advocates. Make modifications to the tobacco master settlement agreement legislation. Amends HEA1618-2001 to provide that a person commits a Class D felony if they have a previous OWI conviction and the previous conviction occurred within five years immediately preceding the occurrence of the current violation. Amends community transition program commencement dates and other sentencing related to drug offenders. Provides that health services and medical coverage for state employees will include "services for the treatment of substance abuse and chemical dependency when the services are required in the treatment of a mental illness" at the same level of coverage for other medical and surgical conditions. Provides the office of Medicaid policy and planning to address various issues related to prescription and over-the-counter drugs.

**HEA1007**      *Speed Limits.*  
**TS**              **B Hasler, V Becker, T Goodin**  
                 **S: S Landske**  
                 **Effective Date: July 1, 2001**

This legislation makes it a Class B infraction (subject to a maximum civil judgment of \$1,000) instead of a Class C infraction (subject to a maximum civil judgment of \$500) for a person to violate a speed limit that is imposed in the immediate vicinity of a work site when workers are present.

**HEA1084**      *Curfew for Minors.*  
**ATOD** **D Cheney, R Foley, P Pond, J Thompson, D Kruse**  
                 **S: D Ford, T Lanane, L Kenley**  
                 **Effective Date: May 1, 2001**

Makes additional defenses available to a child who is cited for a curfew violation, including engaged in an activity protected by federal or state law, including conduct involving the free exercise of religion, freedom of speech, and the right of assembly. Specifies that unless necessary to protect a child or the community, a law enforcement officer detaining a child for a curfew violation shall make a good faith effort to release the child to the child's parent, guardian, or custodian.

**HEA1247**      *Community corrections grants.*  
**ATOD/TS**      **D Avery, J Weinzapfel, V Becker**  
                 **S: G Server, A Bowser, A Craycraft**  
                 **Effective date: July 1, 2001**

Eliminates a provision that deducts the amount of money that a county expended on community corrections before April 1, 1980, from the state grants provided to counties for community corrections.

**HEA1570**      *Ambulance run information.*  
**ATOD/TS**      **W Moses, S Crosby**  
                 **S: S Johnson, A Craycraft**  
                 **Effective date: July 1, 2001**

Provides that certain information in a pre-hospital ambulance rescue or report record concerning emergency ambulance services provided by a public agency or an entity under contract with a public agency is public information

**HEA1578**      *State tax administration and motor vehicles.*

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**TS**

**W. Cochran, J Denbo**

**S: V Simpson, C Sipes**

**Effective Date: various dates**

Contains several provisions including that a driver who commits certain serious traffic violations related to railroad crossings while operating a commercial motor vehicle is disqualified from driving such a vehicle for specified periods and covering violations related to railroad crossings and vehicular traffic.

**HEA1585      *Alcohol and tobacco***

**TS**

**R Kuzman, R Alderman, P Mannweiler**

**S: T Wyss, T Lanane, M Clark, J Broden**

**Effective Date: May 10, 2001; July 1, 2001**

*Introduced bill concerned mortgage substitutions and penalties. In conference committee, this language was gutted and the following provisions inserted.* Changes the name of the alcoholic beverage commission to the alcohol and tobacco commission. Provides for resolving a tie vote of the commission. Establishes experience requirements for the superintendent of law enforcement officers. Allows a permittee to give notice of an application by placing a sign on the affected property in some circumstances. Allows the commission to accept payment by credit card, money order, or electronic transfer. Allows an Internet company to obtain a salesman's permit. Prohibits the issuance of an employee's permit to certain persons convicted of operating while intoxicated. Allows express hotels to sell alcoholic beverages. Allows hotels to set different prices for alcoholic beverages served in different restaurants in the same hotel complex. Revises the fee schedule for permits. Imposes interest, a late payment penalty, and the reasonable costs of collection on a person who fails to make a timely payment of a civil penalty payable to the youth tobacco education and enforcement fund. Makes it a Class C infraction for a person to purchase tobacco for a minor. Allows certain tobacco notices to have alternative language approved by the commission. Allows the alcohol and tobacco commission to provide alternative words for notices that are required to be posted on vending machines that sell tobacco. Makes changes regarding the advertisement of tobacco products on signs or billboards. Allows a facility that operates a track that is used primarily in the sport of auto racing to allow a person to enter its establishment with alcoholic beverages. Allows a person at least 19 years of age but less than 21 years of age who has completed a server training program to serve alcoholic beverages in a dining area or family room of a restaurant or hotel in the course of the person's employment as a waiter, waitress, or server while under the supervision of a person who is at least 21 years of age, is present at the restaurant or hotel, and has completed an approved server training program. Requires the alcohol and tobacco commission to adopt rules regarding the server training program. Adds a holder of a beer wholesaler's permit to those persons required to pay the excise tax on hard cider. Allows a premises to be located within 200 feet of a church or school if the commission determines that the church or school does not object. Provides that if the commission determines the church or school does not object, the commission's determination applies to any renewal of the permit for the premises. Allows the commission to issue a liquor retailer's permit to a social club in a municipality with a population of less than 5,000 without requiring the municipality to adopt an enabling ordinance. Makes other changes, technical corrections, and conforming amendments.

**HEA1618      *Blood and breath alcohol concentrations.***

**ATODP Welch, C Brown, T Brown, T Goodin, Wm Ruppel, D Kruse,  
P Turner**

**S: S Landske**

**Effective Date: July 1, 2001**

Reduces the 0.10% to 0.08% the percentage of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute prima facie evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated. Reduces the range of percentages of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute relevant evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated from at least 0.05% but less than 0.10% to at least 0.05% but less than 0.08%. Makes conforming amendments.

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## **HEA1781**      *Alcohol and controlled substances.*

**ATODE** Harris, R Kuzman, G Porter, T Goodin

**S:** S Landske, R Antich, E Rogers

**Effective Date:** July 1, 2001

Specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol and or a controlled substance. Requires a person to pay the \$200 alcohol and drug countermeasures fee if: (1) the person is found to have committed the offense of operating a tractor-trailer combination or other vehicle recklessly and the person's offense involved the use of alcohol or a controlled substance; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier and the person's offense involved the operation of a vehicle. Removes a provision that requires a person's driving privileges to be suspended by a court or the bureau of motor vehicles before the person is required to pay the alcohol and drug countermeasures fee.

## **HEA1813**      *Mental health*

**ATODS** Crosby, C Brown, G Goeglein

**S:** S Johnson, M Blade, V Simpson

**Effective Date:** July 1, 2001; May 11, 2001

Changes the name of the division of mental health to the division of mental health and addiction. Amends the definition of "managed care provider."

## **HEA1892**      *Methamphetamines*

**ATOD** M Dvorak, B Hasler, J Weinzapfel, D Yount

**S:** R Bray, Wm Alexa, J M Clark

**Effective Date:** July 1, 2001

Deletes "delivering a controlled substance" as a reason to prohibit an alcoholic or drug addict from requesting treatment instead of prosecution or imprisonment. Makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine and narcotic drug. Makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine. Permits a law enforcement agency to dispose of chemical waste used in the production of illegal drugs. Imposes a class D felony for the dumping of chemical drug waste. Creates penalties for possessing anhydrous ammonia. Creates a defense for a person charged with a felony drug offense that is elevated because the person was within 1,000 feet of school property, public park, family housing complex, or youth program center.

## **HEA2037**      *Farm winery brandy distiller's permits.*

**ATOD** Wm Cochran, C Duncan, M Kuzan, R Kuzman, P Mannweiler

**S:** C Sipes, V Simpson, J Nugent, J Lewis

**Effective date:** July 1, 2001

Establishes a farm winery brandy distiller's permit. Allows a holder of a farm winery permit to apply for a brandy distiller's permit. Entitles the holder of a farm winery brandy distiller's permit to do the following: (1) Manufacture brandy. (2) Rectify brandy. (3) Bottle brandy. (4) Use brandy that it has manufactured for the purpose of producing fortified wine. (5) Sell brandy that it has manufactured to other wineries. (6) Sell brandy at wholesale or retail. Places a limitation on the amount of brandy the holder of a farm winery brandy distiller's permit may produce in a calendar year. Establishes a \$250 annual license fee for a farm winery brandy distiller's permit. Permits a winery to participate in trade shows or expositions for a combined total of not more than nine days in a calendar year. (Current law limits each of the three permitted events to three days apiece.)

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**SEA14** Identification descriptors for minors.  
**ATOD/TS** J Merritt, R Antich, R Jackman, M Riegsecker, M Young, A Craycraft, S Landske  
H: M Lytle  
Effective date: July 1, 2002

Provides that a permit, license, or identification card issued by the bureau of motor vehicles must contain: (1) the dates on which the permittee, licensee, or cardholder will become 18 years of age and 21 years of age if the permittee, licensee, or cardholder is less than 18 years of age at the time of issuance; and (2) the date on which the permittee, licensee, or cardholder will become 21 years of age if the permittee, licensee, or cardholder is at least 18 but less than 21 years of age at the time of issuance. Provides that information contained on the permit, license, or identification card for a permittee, licensee, or identification cardholder who is less than 21 years of age at the time of issuance shall be printed perpendicular to the bottom edge of the permit, license, or identification card.

**SEA67** *Definition of minimum sentence.*  
**ATOD** R Meeks, Wm Alexa  
**TS** H: M Dvorak, R Ayres, J Weinzapfel, R Foley  
Effective Date: July 1, 2001; May 11, 2001

Provides an enhanced penalty for operating while intoxicated when the offender has a previous unrelated conviction for a violation that occurred before July 1, 2001. Eliminates a mathematical error in the definition of "minimum sentence" by changing the definition of "minimum sentence" for murder from 30 years to 45 years and by changing the definition of "minimum sentence" for a Class D felony from one year to one-half year.

**SEA96** *Alcoholic beverage retail permits.*  
**ATODS:** Ron Alting  
H: R Kuzman, R Alderman  
Effective Date: May 11, 2001

Provides that in the case of a municipal annexation, the alcoholic beverage commission may only reclassify a retailer's permit in the former unincorporated territory as a permit inside the municipality if the permittee has actually conducted a retail business at the site for two consecutive years. Specifies treatment of permits that are applied for after notice of an annexation hearing is made and before the annexation occurs.

**SEA137** *School latch key program*  
**ATOD** C Lawson, L Hume  
H: Wm Crawford  
Effective date: July 1, 2001

School latch key programs. Requires the contract between a school corporation and an entity providing a program of before and after school care (commonly called a "latch key" program) to be in writing and to be subject to bidding. Exempts a latch key program from licensure as a child care facility, but requires it to comply with guidelines developed by the department of education and the school corporation in which the program is operated

**SEA270** *Biomedical technology and research trust fund.*  
**ATOD** L Borst, V Simpson  
H: C Brown  
Effective date: July 1, 2001

Deletes an incorrect statement of the purpose of the fund.

**SEA280** *Methadone clinic moratorium.*  
**ATOD** P Miller, C Sipes

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June 21, 2001

**H: C Brown, D Frizzell**

**Effective date: July 1, 2001**

Extends the state imposed moratorium on methadone clinics until July 1, 2003. Eliminates the reporting requirements imposed on the division of mental health regarding methadone providers.

**SEA428**      *Health professions licenses.*

**ATODM** Riegsecker, R Antich

**H: C Brown, J Ulmer, G Dillon**

**Effective Date: July 1, 2001**

Provides standardized requirements for health professions concerning: (1) attesting compliance with continuing education requirements; (2) auditing compliance with continuing education requirements; and (3) reinstating a health professional's lapsed license, certificate, or registration. Impacts social workers, marriage and family therapists, and mental health counselors.

**SEA444**      *Reimbursements by county jail inmates.*

**ATOD/TS** J Nugent, Meeks, J Waterman

**H: R Bischoff, M Herndon, C Duncan, S Mellinger**

**Effective date: July 1, 2001**

Requires a prisoner who is lawfully detained in a county jail in a county with a population less than six thousand to reimburse the county for the cost of the detention if certain criteria are present. Allows a county to use money in the county prisoner reimbursement fund for the costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county. Makes the maximum per diem to be paid by an inmate \$50 per day.

**SEA466**      *Implied Consent*

**TS/ATOD** W Alexa, T Wyss

**H: M Dvorak, D Young**

**Effective date: July 1, 2001**

This legislation requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal crash or a crash involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body. It outlines the procedure for the required chemical test or portable breath testing of driver(s) in fatal crashes or crashes involving serious bodily injury.

**SEA501**      *Transportation of children.*

**TS** E Rogers, S Landske, R Antich

**H: C Brown, G Dillon, V Smith**

**Effective date: July 1, 2001**

Requires a person who transports children in the care of a child care center in a vehicle designed and constructed for the accommodation of more than 10 passengers to transport the children in a school bus or a special purpose bus. Requires the owner of a special purpose bus to present the special purpose bus for inspection at the time and place designated by the state police department. Defines a child care center so that the term does not include a child care home, a child care ministry, an unlicensed day care provider, or a residential child care institution. Permits the use of a public transportation system to transport children if the motor carriage used is designed to carry at least 20 passengers. Provides that a preschool operated by a school corporation, a public elementary school, a public secondary school, or a child care center is not prohibited from contracting with a common carrier for incidental charter bus service for non-regular transportation as long as the carrier and the carrier's motor coach complies with federal safety regulations. Provides that if before July 1, 2001, a person owns a vehicle other than a school bus or a special purpose bus that is used to transport school children, the vehicle may be used to transport children until June 30, 2006.

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**SEA506**

*Court ordered drug and alcohol programs*

**TS/ATOD**

T Wyss, W Alexa

H: M Dvorak, G Goeglein

Effective date: July 1, 2001

Court ordered drug and alcohol programs. Increases the fees that may be charged for participation in court ordered alcohol and drug programs. Permits the board of directors of the judicial conference to adopt rules governing the certification, operations, and employee qualifications for court alcohol and drug services programs.